

PHARMACY BOARD
MINUTES
November 22, 2005

Conducting:	Betty Yamashita
Convened:	9:05 a.m.
Adjourned:	3:00 p.m.
Members Present	Shawna Hanson Dr. Mark Munger Roger Fitzpatrick Dominic DeRose Edgar Cortes Betty Yamshita
Members absent	Marty Hill
Division Staff:	Diana Baker, Bureau Manager Penny Vogeler, Board Secretary Sandy Hess, DOPL Investigator
Guest:	Gerry Hassell, Wal-Mart Jim Fluty, Walgreens Richard Piroshak, K Mart Sharon Franz, Target Amy Johnson Bette Vierra, Utah Community Health Donna Gibbons, Utah Community Health Paige Patterick, Smiths Warren Young, Smiths Kevin Mc Culley Utah Community Health Andrea Barrows, Student

Administrative Business
Approval of Minutes (October)

Minutes approved

Board Business

Sandy Hess came before the Board to discuss questions regarding pharmacy technician ratio. The question was if a technician may remain in the pharmacy after the pharmacist has left for a break. It was the decision of the Board that all pharmacies must stay in ratio of pharmacists to technicians and work around lunches accordingly. If the pharmacist has left the pharmacy but can still be contacted within a ten minute time-frame, they are considered to be in ratio as stated in regulations.

Ms. Hess also discussed the issue of a technician changing his or her job title in the middle of a shift. Again, the Board states that the technician must stay within the law. They should be working as their license states even if they are doing tasks that would be considered as supportive personnel.

Kristy Black

Kristy Black, pharmacy technician, submitted a letter requesting early release of her probation. It was the decision of the Board to deny her request. It was also the decision of the Board to require that she have a second signature on her employer report due to the fact that first is from a current probationer.

Jay Roach
Kami Creer

Mr. DeRose conducted the interview with Ms. Creer. She is still working at Smiths and stated she is very happy with her job. Her practice plans states her supervisor will submit controlled substance inventories if there are discrepancies. She had some questions about the exact counts on controlled substances. It was the decision of the Board to have Ms. Creer submit the inventory if any discrepancies are noted. She asked for a decrease of her three 12 step meetings a week. She has a problem getting to the PIR. She works 30 hours one week and 40 the next. It was the decision of the Board to leave the meetings as they stand until the two years are up. This is due to a higher recidivism rate within the first two years. She asked how long before she could request no supervision. The Board stated that they would review her compliance and progress after two years. Ms Creer is **in compliance** with the terms of her order.

Kenneth Adams

Ms. Hanson conducted the interview with Mr. Adams. He was informed that he missed calling in on three days in June. He stated he was in Phoenix. He stated he had called in and he would submit his phone records to DOPL. Ms. Hanson discussed the fact that Mr. Adams wife stated that she makes the phone calls for him because he is too busy. He was adamant that this is not the case. He stated that his wife does not make the calls and he calls every day between 2-4 a.m. The Board stressed that he needs to be the one making the calls. Mr. Adams discussed the fact that he is not happy with the AA meetings he is now attending and is going to look for another group that would be more productive

Probation Interview: Kerry Brown

Mr. Brown was interviewed by Dr. Munger. Mr. Brown stated he wanted to discuss his supervisor reports. His understanding was the reports only needed to be sent in every three months. He was asked to submit reports for September, November and December. It was also Mr. Brown's responsibility to contact Dr. Munger in regards to his developing a CE course and an examination for Mr. Brown to take by the end of the year. He failed to respond to this agreement and is therefore **out of compliance** for not submitting supervisor reports and the tardiness in responding to Dr. Munger's offer.

New Stipulation:
David B. Abrams

Mr. Abrams came before the Board and was interviewed by Ms. Yamashita. Mr. Abrams discussed the reason for his being before the Board. He was working at Smiths at the time of his charges. The board discussed the issue of his charges and that they felt he was in violation of the law. The Board was disturbed that Mr. Abrams did not seem to feel that what he had done was a violation of the Pharmacy Practice Act. Mr. Fitzpatrick felt that Mr. Abrams exhibited no remorse for his actions. Ms Yamashita went over the stipulation in detail with Mr. Abrams. He was asked to submit a letter stating that his employer, Gordon Hanks, has read and understands the stipulation. He was reminded that the forms need to be in by the first of the month. He stated that he had no questions of the Board and understands the stipulation. The Board requested to see him next month.

New Applications
Shara Jamieson

Ms. Jamieson came before the Board to present her application for Pharmacy technician. She was interviewed by Ms. Hanson. The yes answers on her application were discussed. Ms. Hanson wanted to know in detail how she has changed her life. Ms. Jamison stated she has been working as a CNA for the passed four years. She felt she was associating with the wrong crowd. She is now married with a child and stated she has moved away from her friends and has no contact with them. A motion was made to approve the application. The motion carried and the license will be issued.

Renewal of License
Jenny Lynn Iverson
Pharmacy Technician

Ms. Iverson came before the Board and was interviewed by Ms. Hanson. She was brought before the board to renew her pharmacy technician license. She has been charged with a felony and it was the decision of the Board to deny her request.

DISCUSSION ITEMS
Mary MoriartyThronson

Dr. Munger recused himself from the discussion. Mr. Fitzpatrick conducted the interview. Ms. Thronson came before the Board to discuss renewal of her pharmacist license. She has been out of practice for a number of years and wants to know what she would have to do to get back into the practice of pharmacy. The Board stated she would have to submit an application and complete a criminal back ground check, pass the NAPLEX and the

MPJE as well as complete 1500 internship hours. She stated she had been working on CE for the last five months.

She stated that she had been involved in two accidents and has been through a great deal of physical therapy. She suffers from Migraines and some visual problems but feels she is now ready to return to work. She knows she needs some structure in her retraining to become aware of all the changes of pharmacy.

She was given the name of Dr. Munger at the University of Utah for help with a refresher program. It was recommended by the Board to request a psychological evaluation and physical examination as part of her licensure. Ms. Baker will send her a letter recommending therapists and physicians that are approved by the Division.

Steve Marshall

Mr. Marshall came before the Board and was interviewed by Betty Yamashita. Mr. Marshall handed out a well documented overview of his current delivery system. He presented several scenarios describing the way a prescription is handled from start to finish. The Board has asked Mr. Marshall to look into alternative delivery options in past meetings because of misgivings about the current legality of his delivery system.

He stated he had considered using the telepharmacy through the University of Utah but there were problems. He has an issue with buying machines for the three locations due to the financial issue. He feels he has a good security system in place.

Dr. Munger discussed the delivery of medications from the University of of Utah to the Garden City Pharmacy and that the Board's recommendation was to have a licensed technician delivering the medication to that facility for safety reasons. Dr. Munger quoted the reference used at that time was found in R156-17b-603(1)(b); (2); and (12) and defines the Pharmacist in Charge responsibility to assure safe delivery of medications. Dr. Munger stated that Mr. Marshall's reluctance to change his current system seemed to be a financial issue verses safety. He stated the purpose of the Board to enforce public safety. Ms. Baker gave an example of a branch pharmacy plan that does quite well in Roosevelt and no expensive equipment was needed, and the clinic personnel provided the medications directly to the patients at the clinic. No intervention was needed from the pharmacy, except to have a formulary of medication pre labeled and ready to give to patients at the time of their visit to the healthcare provider. Any maintenance medication would need to be mailed

directly to the patient and this would be arranged between the patient and Mr. Marshall. Again, Mr. Marshall's objection to this process was a financial issue.

The Board felt that this issue needs to have closure. This issue has been discussed by the Board for almost a year and his current practice is a discomfort to all members. The Board felt that his best options seemed to be to open branch pharmacies and suggested he contact Mr. Ray Beasley for information on how to go about this.

An alternative suggestion by the Board was for Mr. Marshall to mail everything and get out of the delivery system. Mr. Marshall asked if the Board would allow him to continue with his current program until February 1, 2006 if he does not do controlled substances.

A motion was made and seconded to approve this request but forward movement in this aspect is expected. Dr. Munger abstained. Mr. Marshall will be invited to attend the January meeting to discuss his progress.

Smith's Pharmacy
Paige Patterick
Dan Liebig

Mr. Paige Patterick and Mr. Dan Liebig of Smiths were asked to come before the Board to discuss a contract with the Community Health Clinic. The issue of 430 B pricing was discussed. Smith's pharmacies replenish the drugs used by the

clinic. The contract states that only one pharmacy may contract with one clinic.

Ms. Hess expressed concern that Smith's pharmacy stamped on the back of the prescription is advertising that patients can only go to that pharmacy. Other pharmacy chains have expressed similar concerns that patients are being instructed to go only to Smith's. The Board felt that this was not the intention of Smith's, but that better education of the patient should be attempted so that the patient fully understands where they need to go to get this special pricing. Smith's and Community Health Clinic are to develop a new plan A motion was made and seconded to table this matter and come back in January with a plan. It was suggested by Mr. Fitzpatrick that the exemption be made in the rule and stated in the UPhA newsletter. The Board will work on changing the rule.

Ms. Baker and the Board discussed changes to the rules.

Board Business:

Next Meeting:

December 20, 2005

Betty Yamashita, Chairperson

Date

Diana Baker, Bureau Manager

Date